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9 Attorneys for Defendant
10 TWITTER, INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 ALI AL-AHMED,

15 Plaintiff,

16 v.

17 TWITTER, INC.; ALI HAMAD A
18 ALZABARAH; and AHMAD ABOUAMMO,

19 Defendants.

Case No. 3:21-cv-08017-EMC

**STIPULATION AND [PROPOSED]
ORDER RE CORRECTING CLERICAL
ERROR IN MAY 20, 2022 ORDER**

Dept.: Courtroom 5 – 17th Floor
Judge: Hon. Edward M. Chen

Date Filed: October 13, 2021
Trial Date: None Set

Pursuant to Federal Rule of Civil Procedure 60(a), Defendant Twitter, Inc. and Plaintiff Ali Al-Ahmed (collectively, “the parties”) by and through their respective counsel of record, hereby jointly stipulate and request as follows:

WHEREAS, on May 20, 2022, the Court issued an Order Granting Defendant Twitter’s Motion to Dismiss, Docket No. 49 (“Order”);

WHEREAS, on page 9 of the Court’s Order, the Court states: “For the foregoing reasons, the Court **GRANTS** Twitter’s motion to incorporate by reference Exhibit 1 and 2 but **DENIES** the motion for Exhibits 3 – 5.”;

WHEREAS, the parties agree that this appears to be a clerical error, as the Court’s Order otherwise indicates that it intended to grant Twitter’s motion with respect to Exhibits 1 – 4, and deny it only with respect to Exhibit 5. Specifically, in the Court’s discussion of Twitter’s request to incorporate Exhibits 3 and 4 (the notification lists), the Court stated as follows:

These notification lists may be incorporated by reference because “the notifications submitted by [Twitter] are crucial to [Al-Ahmed’s] claims that [he] never received notifications . . . [Al-Ahmed], again, do not raise in [his] Opposition any dispute as to the authenticity of these notifications.” *Starks v. Geico Indem. Co.*, No. CV-15-5771-MWF (PJW), 2015 WL 12942282, at *2 (C.D. Cal. Nov. 10, 2015) (incorporating by reference the notifications allegedly not received by the plaintiff). Accordingly, these exhibits may be treated as part of the Complaint under the incorporation by reference doctrine.

Order at 8. Thus, the Court’s Order indicates that it was granting Twitter’s request with respect to Exhibits 3 and 4. *See also* Order at 17 (discussing the notification lists);

WHEREAS, the parties respectfully request that the Court correct the clerical error at page 9, lines 15 -16, of the Order to conform with the Court’s ruling that Twitter’s motion is granted with respect to Exhibits 1 – 4, but denied with respect to Exhibit 5 only;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND JOINTLY REQUEST as follows:

The May 20, 2022 Order shall be corrected at page 9, lines 15 - 16, of the Order, such that it reads as follows:

“For the foregoing reasons, the Court **GRANTS** Twitter’s motion to incorporate by reference Exhibits 1 - 4, but **DENIES** the motion for Exhibit 5.”

IT IS SO STIPULATED.

Dated: June 2, 2022

KEKER, VAN NEST & PETERS LLP

By: /s/Benjamin Berkowitz

BENJAMIN BERKOWITZ
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ANJALI SRINIVASAN
RYLEE KERCHER OLM
YENA LEE

Attorneys for Defendant TWITTER, INC.

Dated: June 2, 2022

GERSTMAN SCHWARTZ LLP

By: /s/Randy E. Kleinman

RANDY E. KLEINMAN

Attorneys for Plaintiff ALI AL-AHMED

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: June 2, 2022

/s/Benjamin Berkowitz

Benjamin Berkowitz

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

The May 20, 2022 Order Granting Defendant Twitter’s Motion to Dismiss, Docket No. 49 (“Order”), shall be corrected at page 9, lines 15 – 16, such that it reads as follows: “For the foregoing reasons, the Court **GRANTS** Twitter’s motion to incorporate by reference Exhibits 1 - 4, but **DENIES** the motion for Exhibit 5.”

Dated: _____

HON. EDWARD M. CHEN
UNITED STATES DISTRICT COURT